

REMARKS

In the Decision on Appeal, the Board affirmed the Examiner's rejection of claims 7-9, 11, 14-17, 22-27, 36, 37, and 40 under 35 U.S.C. § 102(b) and affirmed the Examiner's rejection of claims 1-3, 5, 6, 12, 13, 18-21, 28-35, 38, 39, 41, and 42 under 35 U.S.C. § 103(a). However, the Board reversed the Examiner's rejection of claim 10 under 35 U.S.C. § 102(b) and reversed the Examiner's rejection of claim 4 under 35 U.S.C. § 103(a). As a result, claims 4 and 10 now recite allowable subject matter. By this paper, Applicant hereby amends claims 1, 2, 7, 14, 20, 22, 29, 38, and 42, and cancels claims 2, 4, 10, 39, and 41 to expedite allowance of the present application. Specifically, the Applicant hereby incorporates allowable claims 4 and 10 into their respective independent claims 1 and 7. In addition, the Applicant hereby incorporates allowable subject matter based on claim 10 into independent claims 14, 20, 22, and 29. These amendments do not add any new matter. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Rejections under Doctrine of Obviousness-Type Double Patenting

In the Final Office Action mailed on February 1, 2005, the Examiner rejected claims 1-28 under the judicially created doctrine of obviousness-type double patenting over claims 1, 3-8 and 10-12 of U.S. Patent No. 6,678,154 B2, which is the parent of the present continuing application. In view of the foregoing amendments, the Applicant respectfully requests withdrawal of the foregoing rejection. However, although Applicant does not agree that the presently amended claims are obvious over claims 1, 3-8 and 10-12 of the U.S. Patent No. 6,678,154 B2, Applicant is willing to file a terminal disclaimer if necessary when the claims are indicated as allowable.

Claim Rejections under 35 U.S.C. § 102

In the Decision on Appeal, the Board affirmed the Examiner's rejection of 7-9, 11, 14-17, 22-27, 36, 37, and 40 under 35 U.S.C. § 102(b) as anticipated by Ohgami et al. (U.S. Patent No. 5,764,477). However, the Board reversed the Examiner's rejection of claim 10 under 35 U.S.C. § 102(b). As summarized above, the Applicant hereby amends independent

claims 7, 14, and 22 to recite allowable subject matter based on claim 10. As a result, the foregoing rejection is now moot.

Claim Rejections under 35 U.S.C. § 103(a)

In the Decision on Appeal, the Board affirmed the Examiner's rejection of claims 1-3, 5, 6, 12, 13, 18-21, 28-35, 38, 39, 41, and 42 under 35 U.S.C. § 103(a). However, the Board reversed the Examiner's rejection of claim 4 under 35 U.S.C. § 103(a). As summarized above, the Applicant hereby amends independent claim 1 to incorporate allowable claim 4, and the Applicant hereby amends independent claims 7, 14, 20, 22, and 29 to incorporate allowable subject matter of claim 10. As a result, the foregoing rejection is now moot.

Conclusion

Applicant respectfully submits that all pending claims should be in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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